

Application No: 09/681,022

Applicants: Michael D. Sandoe & Michael G. Zimmer

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Examiner: Jeremy R. Pierce

Art Unit: 1711

REMARKS

Claims 2-32, 34-51, and 61-67 were in the application as recently examined. By the present proposed amendments, claims 65-67 will place the claims into condition for allowance. The specification is proposed for amendment to render it consistent with the claims as amended. No new matter will be added by any of the amendments.

In the foregoing amendments, claims 65 - 67 include non-narrowing amendments to claim the converse of what was previously claimed with respect to the relationship of coarser and finer fibers in the inner and outer layers, as suggested by the Examiner.

Claim Rejections – 35 U.S.C. §102

Claims 2-11, 16, 17, 25-31, 34-38, 40, 42, 43, and 61-67 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,066,388 issued to Van Kerrebrouck. The rejection is respectfully traversed.

Claims 65 - 67 all require the strengthening layers to have more by weight coarser fibers than in the core layer. As indicated by the Examiner, this concept clearly distinguishes the invention from the Van Kerrebrouck patent.

For the record, Applicants do not agree with the Examiner's comments about "two definitions" of fine fibers being read into claims 64 and 65. Applicants incorporate herein and maintain all of their previous arguments regarding the Van Kerrebrouck patent. Nevertheless, the issue is now moot in light of the present amendments where the distinction is identified by the references to the coarser fibers in the strengthening layers rather than to the finer fibers in the core layer. Claims 65 - 67 are thus patentable over Van Kerrebrouck.

Moreover, because claims 2-11, 16, 17, 25-31, 34-38, 40, 42, 43, and 61-64 all depend directly or indirectly from claims 65, 66, or 67, they are likewise patentable over Van Kerrebrouck.

Claim Rejections – 35 U.S.C. §103

Claims 39 and 41 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Van Kerrebrouck. The rejection is respectfully traversed.

Applicants incorporate their prior comments regarding these claims in reference to Van Kerrebrouck. Moreover, both claims 39 and 41 depend indirectly from claim 66 and are therefore patentable for the same reasons claim 66 is patentable.

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Claim 32 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Van Kerrebrouck in view of U.S. Patent No. 5,554,831 to Matsukawa et al. The rejection is respectfully traversed.

Claim 32 depends from claim 65 and is patentable over the cited art for the same reasons that claim 65 is patentable. Moreover, there is no basis for the alleged combination of Van Kerrebrouck and Matsukawa et al. Matsukawa et al. discloses a sound absorbing member for an automobile. The relevant teaching of Matsukawa et al. is nothing more than fine fibers having a denier of not more than 4 and preferably less than 2 should be included for sound absorbing performance. Nothing in either reference or in the combination suggests an upper limit of 2.7 denier for fine fibers in the core layer, or the percentage of fine fibers in the core layer. Claim 32 is thus patentable over the cited references.

Allowable Subject Matter

Applicants acknowledge with thanks the Examiner's determination of the allowability of claims 12-15, 18-24, and 44-51. In view of the foregoing, however, it is believed that all of the claims are patentable and therefore it is not necessary to rewrite these claims into independent form.

Conclusion

Applicants respectfully submit that the claims as amended are now in condition for allowance and look forward to receiving a timely notice of allowability. Any questions concerning the foregoing should be addressed to either Joel E. Bair at 616-742-3513 (jeb@mcgarrybair.com) or Mark A. Davis at 616-742-3514 (mad@mcgarrybair.com).

Respectfully submitted,

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